

Message Text

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PAGE 01 MEXICO 07130 120105Z

64

ACTION A-01

INFO OCT-01 ARA-06 ISO-00 SCA-01 SCS-03 L-03 H-02 /017 W

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P R 120010Z AUG 75

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC PRIORITY 9361

INFO AMCONSUL MONTERREY

C O N F I D E N T I A L MEXICO 7130

FOR ASST. SECY. JOHN THOMAS AND SCA ADMINISTRATOR WALENTYNOWICZ
FROM CONGEN SMITH

E.O. 11652: GDS

TAGS: CPRS, MX (HILL AIRCRAFT AND LEASING)

SUBJECT: PIPER CHEROKEE N-5222-S DETAINED AT TORREON

REF: MONTERREY 0439, 0490

1. AS YOU WELL KNOW, CONGRESSMAN FLYNT INTERESTED.
2. MONTERREY REPORTS THAT ATTORNEY LIC. GARCIA PENA IN TORREON REPRESENTING HILL AIRCRAFT HAS HAD NO SUCCESS. ON AUG. 6 PENA RECEIVED REQUEST FROM MEXICO CITY LAWYER RETAINED BY HILL FOR COPY OF ALL DOCUMENTS SUBMITTED TO CUSTOMS AUTHORITIES AT TORREON. COPIES SENT SAME DAY BY PENA. AS DEPT. MAY BE AWARE, EMBASSY HAS NOT BEEN ASKED TO SUBMIT THIS CASE TO FON OFF UNDER CONVENTION.
3. AS DEPT. IS AWARE, EMBASSY HAS, AFTER CHECKING WITH CONSTITUENT POSTS, COMPILED COMPREHENSIVE LIST OF STOLEN U.S. AIRCRAFT PRESENTLY IN MEXICO WITH A VIEW TO HIGH LEVEL APPROACH ON SUBJECT TO GOM. EMBASSY ALSO INTENDS TO REACTIVATE EMBASSY-GOM CONSULTATIVE COMMITTEE ON STOLEN VEHICLES AND AIRCRAFT.
4. DURING CALL AUG. 8 BY CHARGE AND CONGEN ON DEPUTY ATTORNEY GENERAL ALBA LEYVA ON PRISONER PROBLEMS, PROBLEM OF RETURN OF STOLEN AIRCRAFT WAS RAISED. CHARGE AND

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PAGE 02 MEXICO 07130 120105Z

CONGEN INTEND TO PURSUE PROBLEM FURTHER IN NEXT MEETING

WITH DEP. AG SCHEDULED FOR AUG. 11.

5. NEVERTHELESS, NEITHER DEPT. NOR CONG. FLYNT SHOULD BE OPTIMISTIC ABOUT ABILITY OF EMBASSY TO CHANGE GOM ATTITUDES AND ACTIONS ON THIS PROBLEM. EVEN ASSUMING BEST INTENTIONS ON PART OF FOREIGN MINISTRY, PLANES ARE IN CUSTODY AND USE OF OTHER GOM DEPARTMENTS SUCH AS CUSTOMS, JUSTICE AND MILITARY. AND, AS WITH MANY OTHER MATTERS, ABILITY OF FONMIN TO INFLUENCE OR CONTROL ACTIONS OF OTHER GOM MINISTRIES MAY BE MINIMAL OF NON-EXISTENT.

6. WE HAVE BEEN TOLD BY LOCAL AMCIT INSURANCE ADJUSTER AND OTHERS THAT SOME US INSURANCE COMPANIES WILL PAY UP TO ONE-HALF PRESENT VALUE OF AIRCRAFT FOR ITS RECOVERY, REGARDLESS OF CONVENTION. A PORTION OF THIS GOES FOR UNSPECIFIED "ATTORNEYS FEES" HERE IN MEXICO CITY. OBVIOUSLY, THE MORE THAT INTERESTED PARTIES CAN REALIZE A "FEE" FOR RETURN OF AN AIRCRAFT, THE LESS THOSE PARTIES ARE GOING TO BE INTERESTED IN PUSHING FOR FULFILLMENT OF THE "FEELESS" RETURN OF AIRCRAFT UNDER THE CONVENTION OR OTHERWISE.

7. WE WILL CONTINUE HERE TO PRESS FOR FAVORABLE ACTION ON THESE CASES. BUT, IF IT HAS NOT ALREADY DONE SO, DEPT MAY WISH TO CONVEY TO AMBASSADOR DE OLLOQUI IN WASHINGTON THAT IT VIEWS THE FAILURE OF THE CONVENTION OR OTHER LEGITIMATE PROCEDURES TO WORK, EVEN IN THOSE CASES SUCH AS THIS WHERE THERE ARE NO DRUG OR OTHER SMUGGLING CHARGES INVOLVED, AS A SERIOUS PROBLEM IN RELATIONS BETWEEN THE TWO COUNTRIES, MUCH LIKE THE PRISONER PROBLEM. PERHAPS SOME EXPRESSIONS OF CONCERN FROM INTERESTED CONGRESSMEN DIRECTLY TO THE AMBASSADOR MIGHT BE APPROPRIATE.
BRANDIN

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